

REMARKS

Claims 1-27 are currently pending in the subject application and are presently under consideration. Claims 1 and 22 have been amended as shown on page 2-5 of the Reply. Claims 28 and 29 have been newly added.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-4, 10-16, and 22-27 Under 35 U.S.C. §102(e)

Claims 1-4, 10-16, and 22-27 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maes (U.S. Pub No. 20020184373). Maes does not teach each and every element of the claimed subject matter as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes ***each and every limitation*** set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ***The identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

Applicant's claimed subject matter relates to industrial automation, and more particularly toward a system and method for communicating with automation devices utilizing an interactive human machine interface. To this end, independent claim 1 recites *a system for interacting with automation devices, comprising: a plurality of automation devices connected to a network, the automation devices supply automation data to the network; and an interface connected to the network including an interactive program and an execution engine for executing the program, wherein the interactive program and the execution engine are embedded and executed from within a browser and interact with the automation device data.* Maes does not disclose or suggest such novel aspect of the present invention.

Maes relates to system and method for implementing conversational protocols for distributed conversational networking architectures and applications as well as real-time conversational computing between network-connected computing devices and server over a network. Conversational coding, transport and control protocols are suitable defined for the implementation of distributed conversational systems/applications; and this reference does not teach the claimed invention.

At page 3 of Office Action, Examiner erroneously asserts that Maes teaches *an interface connected to the network including an interactive program* and an execution engine for executing the program, *wherein the interactive program and the execution engine are embedded and executed from within a browser and interact with the automation device data*, with respect to independent claim 1. The cited portion of reference (Maes) provides for a distributed conversational framework for using proxy servers. The system includes an engine proxy that operates on behalf of a browser application and a browser proxy that operates on behalf of conversational engines. Engine Proxy and the browser proxy exchanges control data and the engine proxy effectively operates as a local speech engine for the browser, and the browser proxy effectively operates as a local browser for the engines (paragraph [0153]). Hence Maes only provides for conversational framework for using proxy servers where instead of browser application and conversational engines exchanging control data, their individual proxies exchanges control data and the engine and the browser communicate directly with their individual proxies. Another section of the reference (Maes) provides for a system including a source, a controller and a server. The server includes engines that process the speech I/O, all of which are remotely connected over a network. The source and controller communicates via any suitable communication protocol (Paragraph [164]). Yet another section of reference provides for transmitting encoded speech data from an audio subsystem of the client to the speech browser (paragraph [174]). Hence Maes provides for only distributed conversational framework using suitable communication protocols between network-connected computing devices and transmitting encoded speech data to a speech browser. However nowhere Maes teaches or suggests interface *including an interactive program* and an execution engine for executing the program, *wherein the interactive program and the execution engine are embedded and executed*

from within a browser and interact with the automation device data. Further, Maes provides for conversational framework *between computing devices* and nowhere teaches *a system for interacting with automation devices* wherein automation devices can include any one of a plurality of industrial processes and machines such programmable logic controllers (PLCs), pumps providing fluid transport and other processes, fans, conveyor systems, compressors, gear boxes, motion control and detection devices, sensors, screw pumps, and mixers, as well as hydraulic and pneumatic machines driven by motors. Such motors can be combined with other components, such as valves, pumps, furnaces, heaters, chillers, conveyor rollers, fans, compressors, gearboxes, and the like, as well as with appropriate motor drives to form industrial machines and actuators.

In view of the foregoing, it is readily apparent that Maes does not teach or suggest all aspects recited in the subject claims, and therefore the rejection of independent claims 1, 10, 17, and 22, and associated dependent claims, should be withdrawn.

II. Rejection of Claims 5-9, 17-21 Under 35 U.S.C. §103(a)

Claims 5-9, 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maes in view of Bonasia *et al.* (US Patent No 6,332,127 B1). Withdrawal of this rejection is requested for at least the following reasons. Maes and Bonasia *et al.* either alone or in combination, fail to teach or suggest all features of the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on the applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (emphasis added).

Applicant's claimed subject matter relates to industrial automation, and more particularly toward a system and method for communicating with automation devices utilizing an interactive human machine interface. To this end, independent claim 1 recites: *a system for interacting with automation devices, comprising: a plurality of automation devices connected to a network, the automation devices supply automation data to the network; and an interface connected to the network including an interactive program and an execution engine for executing the program, wherein the interactive program and the execution engine are embedded and executed from within a browser and interact with the automation device data.* Maes and Bonasia *et al.* are both silent regarding such novel aspects of the claimed invention.

Maes relates to system and method for implementing conversational protocols for distributed conversational networking architectures and applications and fails to teach or suggest the claimed invention. The Examiner acknowledges that the primary reference, Maes does not teach the claimed invention and provides a secondary reference, Bonasia *et al.*, to compensate for the after mentioned deficiencies of Maes. The secondary reference, Bonasia *et al.*, given by Examiner, relates to a method for adding a device to an existing or new electrical automation or multimedia network and the device can be used by an ordinary user of network capable electric devices. A functional profile of LonWorks networks includes a Home profile. The Home profile employs an automated explicit type messaging for all devices intended for use in a home environment; and this reference does not teach the claimed invention.

At page 7 of the Office Action, the Examiner incorrectly contends that Bonasia *et al.* teaches *the interactive program comprising bindings that bind program variables to device data such that a change in device data is immediately reflected in the program variable bound thereto*, with respect to dependent claim 5. The cited portion of the reference (Bonasia *et al.*) provides for a method for adding a device to an existing or new electrical automation or multimedia network. The binding process begins with the devices sending a Home Profile message to each other with the option to bind all application variables or only the mandatory variables. Next, the devices update their respective network variable address tables in accordance with optional Home profile received (Col. 18, line 43-56, step 166 and step 168). The mandatory variables include

an input request and an output status. The optional network variables include an input time set, input file request, input file position, output alarm, output file status and output file directory. Optional explicit message include a Home profile explicit message to bind all network variables i.e. mandatory, optional or manufacturer's optional. Hence Bonasia *et al.* provides for *only adding or binding a device to an existing electrical automation or multimedia network* and the adding process begins by devices sending message to each other about binding or adding all application variables like an input time set, input file request, input file position, output alarm, output file status and output file directory or only mandatory variables like input request and an output status. Nowhere Bonasia *et al.* provides for *bindings that bind program variables to device data such that a change in device data is immediately reflected in the program variable bound thereto*. Through this feature, the invention facilitates binding data corresponding to an automated device's (for example, temperature) stored either in automated device memory or in centralized data storage to a temperature variable in the interactive program. Binding data in this manner enables real-time updates and display of changing data.

In view of at least the foregoing, it is clear that Maes and Bonasia *et al.* fail to teach each and every aspect recited in independent claim 1. Therefore, it is respectfully requested that this rejection of independent claims 1 and 17 (and the claims that depend) be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP335US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731